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OJ 858-677-1496  
FI 858-677-1465

November 14, 2001

**ATTORNEY DOCKET NO.: INVIT1140-3**

Parent Application No.: 09/285,386

Parent Filing Date: April 2, 1999

Box 10/003021  
11/14/01

**Box PATENT APPLICATION**

Commissioner for Patents

Washington, D.C. 20231

Presented for filing is a new **Continuation** patent application of:

Applicants: **Joseph M. Fernandez, John A. Heyman and James P. Hoeffler**

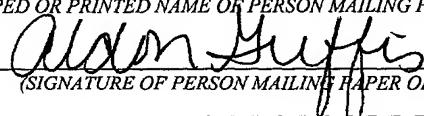
Title: **LIBRARIES OF EXPRESSIBLE GENE SEQUENCES**

This is a request for filing a **continuation** application under 37 C.F.R. § 1.53(b), of prior U.S. Application Serial No. 09/285,386 filed April 2, 1999, now pending.

The prior application is assigned of record to INVITROGEN CORPORATION, by virtue of an assignment submitted to the Patent and Trademark Office for recording on June 7, 1999, at Reel 010003, Frame 0748.

Enclosed are the following papers, including all those required to receive a filing date under 37 CFR § 1.53(b):

	<u>Pages</u>
Specification	148
Claims	4
Abstract	1
Declaration (signed from original parent)	3
Drawings	1

<small>"EXPRESS MAIL" Mailing Label Number: EV 016 237 035 US</small> <small>Date of Deposit: November 14, 2001</small>	
I hereby certify under 37 C.F.R. § 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to the BOX PATENT APPLICATION, Commissioner for Patents, Washington, D.C. 20231	
ALDON GRIFFIS (TYPED OR PRINTED NAME OF PERSON MAILING PAPER)	
 (SIGNATURE OF PERSON MAILING PAPER OR FEE)	

SILICON VALLEY SAN DIEGO SAN DIEGO/GOLDEN TRIANGLE SAN FRANCISCO AUSTIN SEATTLE SACRAMENTO LA JOLLA

Gray Cary\GT\6265757.1  
102894-990000

**GRAY CARY WARE & FREIDENRICH LLP**

**ATTORNEY DOCKET NO.: INVIT1140-3**

**BOX PATENT APPLICATION**

November 14, 2001

Page Two

Enclosures:

- Preliminary Amendment (3 pages);
- Sequence Listing (2 pages);
- Sequence Listing Declaration (1 page);
- Sequence Listing Verified Statement (1 page);
- Sequence Listing Disk;
- Copy of Petition of Extension of Time for Sequence Listing in Parent (2 pages); and
- Return Receipt Postcard.

This application is a **continuation** and claims the benefit of priority under 35 USC § 120 of U.S. Application Serial No. 09/285,386 filed April 2, 1999, now pending, which claims priority under 35 USC § 119(e) of U.S. Application Serial Nos. 60/096,981 filed August 18, 1998 and U.S. Application Serial Nos. 60/080,626 filed April 3, 1998. The disclosure of the prior applications is considered part of and is incorporated by reference in the disclosure of this application.

	Number Filed		Number Extra		Rate			Fee	
					Small Entity	Large Entity		Small Entity	Large Entity
Total Claims	1-20	=	0	X	\$09	\$18	=	\$0.00	\$0.00
Independent Claims	1-3	=	0	X	\$42	\$84	=	\$0.00	\$0.00
Multiple Dependent Claims Presented:	Yes	<input checked="" type="checkbox"/>	No		\$140	\$280		\$0.00	\$0.00
					BASIC FEE		\$370.00	\$740.00	
					TOTAL FEE			\$740.00	

**PLEASE DEFER THE PAYMENT OF THE FILING FEE.**

If this application is found to be INCOMPLETE, or if a telephone conference would otherwise be helpful, please call the undersigned at (858) 677-1496.

**GRAY CARY WARE & FREIDENRICH LLP**

**ATTORNEY DOCKET NO.: INVIT1140-3**

**BOX PATENT APPLICATION**

November 14, 2001

Page Three

Kindly acknowledge receipt of this application by returning the enclosed postcard.

Please send all correspondence to:

Lisa A. Haile, J.D., Ph.D.  
**GRAY CARY WARE & FREIDENRICH LLP**  
4365 Executive Drive, Suite 1100  
San Diego, CA 92121-2133  
Telephone: (858) 677-1456  
Facsimile: (858) 677-1465

Sincerely,

**GRAY CARY WARE & FREIDENRICH LLP**

November 14, 2001

Date

RJI:ag  
Enclosures



Richard J. Imbra  
Registration No. 37,643  
Telephone: (858) 577-1496  
Facsimile: (858) 677-1465

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Fernandez *et al.* Art Unit: Unassigned  
Application No.: Unassigned Examiner: Unassigned  
Filed: Herewith  
Title: LIBRARIES OF EXPRESSIBLE GENE SEQUENCES

Commissioner for Patents  
Washington, D.C. 20231

**VERIFIED STATEMENT UNDER 37 C.F.R. § 1.821(f)**

Sir:

I, Mikhail Bayley, declare that I personally prepared the paper and the computer-readable copies of the Sequence Listing filed herewith in the above-entitled case and that the content of both is the same.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of The United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 11/13/2001

Mikhail Bayley  
Mikhail Bayley

GRAY CARY WARE & FREIDENRICH LLP  
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**Customer Number: 28213**

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

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I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO BOX PATENT APPLICATION, COMMISSIONER FOR PATENTS., WASHINGTON, D.C. 20231

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: *Fernandez et al.* Art Unit: Unassigned  
Application No.: Unassigned Examiner: Unassigned  
Filed: Herewith  
Title: LIBRARIES OF EXPRESSIBLE GENE SEQUENCES

Commissioner for Patents  
Washington, D.C. 20231

**STATEMENT UNDER 37 C.F.R. §§ 1.821(f) and (g);**

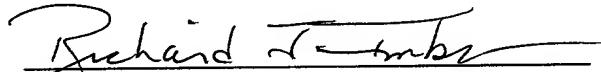
Sir:

I hereby state, as required by 37 C.F.R. § 1.821(f), that the information recorded in computer readable form is identical to the written sequence listing.

I hereby state that the submission, filed in accordance with 37 C.F.R. § 1.821 (g), herein does not include new matter.

Respectfully submitted,

Date: November 14, 2001



Richard J. Imbra, Ph.D.  
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Facsimile: (858) 677-1465

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